

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

MARSHA SCHAD

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Edward Shensky, Esquire

STARK & STARK, P.C./777 Township Line Road, Suite  
120/Yardlev. PA 19067/Phone: 267-907-9600

## DEFENDANTS

HOMEGOODS, INC., MARMAXX OPERATING CORP. D/B/  
A MARSHALLS HOMEGOODS, MARMAXX OPERATING

County of Residence of First Listed Defendant Philadelphia, PA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

James F. Lynn, Esquire

KIERNAN TREBACH LLP/1801 Market Street, Suite 770/  
Philadelphia PA 19103/215-569-4433

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT  | TORTS   | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |   |
|---|---|--|---|---|---|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input checked="" type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>INTELLECTUAL PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property  | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education  | <b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement      |   |   |   |

## V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sections 1441 and 1332

Brief description of cause:

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Oct 19, 2023

SIGNATURE OF ATTORNEY OF RECORD

James F. Lynn

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

MARSHA SCHAD

v.

HOMEGOODS, INC., ET AL.

:  
:  
:  
:

CIVIL ACTION

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X )

10/19/23

James F. Lynn

Defendants

**Date****Attorney-at-law****Attorney for**

215-569-4433

215-569-4434

jlynn@kiernantrebach.com

**Telephone****FAX Number****E-Mail Address**

(Civ. 660) 10/02



**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 9122 Old Newtown Road, Apt. 49, Philadelphia, PA 19115

Address of Defendant: 770 Cochituate Road, Framingham, MA 01701

Place of Accident, Incident or Transaction: 1356 Franklin Mills Circle, Philadelphia, PA 19154

**RELATED CASE IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit Pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier Numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se case filed by the same individual?   | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is **not** related to any now pending or within one year previously terminated action in this court except as note above.

DATE: 10/19/23

*James F. Lyman*  
Attorney-at-Law (Must sign above)

53838

Attorney I.D. # (if applicable)

**Civil (Place a ☒ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Wage and Hour Class Action/Collective Action
- ☐ 6. Patent
- ☐ 7. Copyright/Trademark
- ☐ 8. Employment
- ☐ 9. Labor-Management Relations
- ☐ 10. Civil Rights
- ☐ 11. Habeas Corpus
- ☐ 12. Securities Cases
- ☐ 13. Social Security Review Cases
- ☐ 14. Qui Tam Cases
- ☐ 15. All Other Federal Question Cases. (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☒ 6. Other Personal Injury (Please specify): premises liability
- ☐ 7. Products Liability
- ☐ 8. All Other Diversity Cases: (Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration)*

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2 § 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law (Sign here if applicable)

Attorney ID # (if applicable)

NOTE: A trial de novo will be a jury only if there has been compliance with F.R.C.P. 38.

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MARSHA SCHAD

Plaintiff

v.

No.

HOMEGOODS, INC.,  
MARMAXX OPERATING CORP. d/b/a MARSHALLS  
HOMEGOODS,  
MARMAXX OPERATING CORP.,  
HOMEGOODS MANAGEMENT, LLC, and  
TJX COMPANIES, INC.,

Defendants

**NOTICE OF REMOVAL OF DEFENDANTS, HOMEGOODS, INC., MARMAXX  
OPERATING CORP. d/b/a MARSHALLS HOMEGOODS, MARMAXX OPERATING CORP.,  
AND THE TJX COMPANIES, INC.**

Defendants, HomeGoods, Inc. Marmaxx Operating Corp d/b/a Marshalls HomeGoods, Marmaxx Operating Corp, and TJX Companies, Inc., by and through their undersigned counsel, Kiernan Trebach LLP, and pursuant to 28 U.S.C. §§ 1441 and 1332, hereby remove to this Court an action pending in the Court of Common Pleas of Philadelphia County, Pennsylvania. The grounds for this Removal are set forth below:

1. On or about August 3, 2023, Plaintiff Marsha Schad commenced this civil action by the filing of a Complaint in the Court of Common Pleas of Philadelphia County captioned “*Marsha Schad v. HomeGoods, Inc. Marmaxx Operating Corp d/b/a Marshalls HomeGoods, Marmaxx Operating Corp, Home Goods Management, LLC, and TJX Companies, Inc., at August Term, 2023, No. 00367*”. In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the Complaint is attached hereto and incorporated herein as Exhibit A.

2. Plaintiff Marsha Schad avers in the Complaint that she was injured when she fell off a display while seated in an elevated wheeled desk chair. *See Exhibit A*.

3. In her Complaint, Plaintiff avers that she resides at 9122 Old Newtown Road, Apt. 49, Philadelphia, PA 19115. *See Exhibit A* at ¶1.

4. Plaintiff named Removing Defendants, HomeGoods, Inc. Marmaxx Operating Corp d/b/a Marshalls HomeGoods, Marmaxx Operating Corp, Home Goods Management LLC, and TJX Companies, Inc., as Defendants.

5. At all relevant times, HOMEGOODS, Inc. was and is a Delaware Corporation with a principal place of business at 770 Cochituate Road in Framingham, Massachusetts.

6. At all relevant times, The TJX Companies, Inc. was and is a Delaware Corporation with a principal place of business at 770 Cochituate Road in Framingham, Massachusetts.

7. At all relevant times, Marmaxx Operating Corp. d/b/a Marshalls HomeGoods and Marmaxx Operating Corp. (“Marmaxx”) was and is a Virginia Corporation with a principal place of business at 770 Cochituate Road in Framingham, Massachusetts.

8. At all relevant times, Home Goods Management, LLC., was and is a Pennsylvania Corporation with a principal place of business at 860 Hickory Hill Lane, York, Pennsylvania 17402.

9. Due to the involvement of Home Goods Management, LLC., the initial pleading was not removeable as there was not complete diversity amongst the parties.

10. Home Goods Management, LLC was dismissed from this action pursuant to a Stipulation to Dismiss filed on October 10, 2023. A true and correct copy of the Stipulation to Dismiss Home Goods Management, LLC is attached hereto and incorporated herein as Exhibit B.

11. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and which may be removed on the petition of the Removing Defendants to this District Court pursuant to 28 U.S.C. §§ 1441 and 1446.

12. Plaintiff alleges that she sustained serious and permanent injuries, including to her head, neck, body limbs, bones, nerves, cells, tissues, muscles, and functions including but not limited to comminuted fracture to the left distal radius and ulnar styloid process, disc herniations at C2-C3, C3-C4, C4-C5, C5-C6, C6-C7, resulting in radiculopathy bilaterally, disc herniations at L5-S1 resulting in radiculopathy, aggravation of disc herniations at L1-L2, L2-L3, L3-L4, L4-L5, and strain and sprain of the cervical, thoracic, and lumbar spine, aggravation of fibromyalgia, together with a severe shock to her nerves



and nervous system, some or all of which plaintiff has been advised are serious and permanent in nature.

See Exhibit A at ¶12.

13. As a result, upon information and belief, the amount in controversy in this action exceeds \$75,000, exclusive of interests and costs.

14. Pursuant to 28 U.S.C. §§ 1332(a), and 1441(a), this Court possesses original jurisdiction of this action because the amount in controversy exceeds \$75,000 and because this action is between citizens of different states. That is, Plaintiff is now diverse from all of the Removing Defendants.

15. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(3) because it was filed less than thirty days from the date the stipulation in which it may first be ascertained that the case is one which is or has become removeable.

16. No previous Notice of Removal has been filed or made to this court for the relief sought herein.

17. Pursuant to the holding in Chicago, R.I & P. Ry. Co. v. Martin, 178 U.S. 245 (1900), this Notice of Removal is properly filed because the Defendants served in the state court action have consented to removal *See also* McLaughlin v. Bayer Essure, Inc., No. 14-7315, 2019 U.S. Dist. LEXIS 88213 (E.D. Pa. May 24, 2019).

18. Accordingly, this lawsuit is properly removable from Pennsylvania State court to the United States District Court, Eastern District of Pennsylvania, pursuant to 28 U.S.C. § 1332(a)(1), 1441(a) and 1446(b).

19. Removing Defendants expressly reserve the right to raise all defenses and objections in this action after it is removed to this Honorable Court.


20. A true and correct copy of this Notice of Removal is being filed with the Prothonotary of Philadelphia County Court of Common Pleas, as provided by 28 U.S.C. § 1446(d).

21. Written Notice of the filing of this Notice of Removal will be given to all served parties as required by 28 U.S.C. § 1446(d).

22. No admission of fact, law or liability is intended by this Notice of Removal, and all defenses, affirmative defenses and motions are hereby reserved to the Removing Defendants.

**WHEREFORE**, Defendants, HomeGoods, Inc. Marmaxx Operating Corp d/b/a Marshalls HomeGoods, Marmaxx Operating Corp, and TJX Companies, Inc., hereby remove the above-captioned action, which is now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

KIERNAN TREBACH LLP



By: \_\_\_\_\_

**JAMES LYNN, ESQUIRE**

Attorney for Defendants,

*HomeGoods, Inc. Marmaxx Operating Corp  
d/b/a Marshalls HomeGoods, Marmaxx  
Operating Corp, and TJX Companies, Inc*

Dated: 10/19/23

**CERTIFICATE OF SERVICE**

I, James Lynn, Esquire, hereby certify that the foregoing Notice of Removal has been electronically filed with the Court and is available for viewing and downloading from the Electronic Filing System by the following:

**COUNSEL FOR PLAINTIFF**  
Edward Shensky, Esquire  
**STARK & STARK**  
777 Township Line Rd., Suite 120  
Yardley, PA 19067

KIERNAN TREBACH LLP

A handwritten signature in cursive script that reads "James F. Lynn".

By: \_\_\_\_\_

**JAMES LYNN, ESQUIRE**  
Attorney for Defendants,  
*HomeGoods, Inc. Marmaxx Operating Corp*  
*d/b/a Marshalls HomeGoods, Marmaxx*  
*Operating Corp, and TJX Companies, Inc*

Dated: 10/19/23



**Exhibit "A"**

Court of Common Pleas of Philadelphia County  
Trial Division**Civil Cover Sheet**

For Prothonotary Use Only (Docket Number)

**AUGUST 2023**

E-Filed Number: 2308006531

**00367**PLAINTIFF'S NAME  
MARSHA SCHADDEFENDANT'S NAME  
HOMEGOODS, INC.PLAINTIFF'S ADDRESS  
9122 OLD NEWTOWN ROAD APT. 49  
PHILADELPHIA PA 19115DEFENDANT'S ADDRESS  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701

PLAINTIFF'S NAME

DEFENDANT'S NAME  
MARMAXX OPERATING CORP, ALIAS: D/B/A MARSHALLS  
HOMEGOODS

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701

PLAINTIFF'S NAME

DEFENDANT'S NAME  
MARMAXX OPERATING CORP

PLAINTIFF'S ADDRESS

DEFENDANT'S ADDRESS  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701

TOTAL NUMBER OF PLAINTIFFS

1

TOTAL NUMBER OF DEFENDANTS

5

COMMENCEMENT OF ACTION

☒ Complaint☐ Petition Action☐ Notice of Appeal☐ Writ of Summons☐ Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

☐ \$50,000.00 or less☒ More than \$50,000.00

COURT PROGRAMS

☐ Arbitration☒ Jury☐ Non-Jury☐ Other:☐ Mass Tort☐ Savings Action☐ Petition☐ Commerce☐ Minor Court Appeal☐ Statutory Appeals☐ Settlement☐ Minors☐ W/D/Survival

CASE TYPE AND CODE

2S - PREMISES LIABILITY, SLIP/FALL

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED  
PRO PROTHY****AUG 03 2023****G. IMPERATO**IS CASE SUBJECT TO  
COORDINATION ORDER?

YES

NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: MARSHA SCHAD

Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY  
EDWARD S. SHENSKY

ADDRESS

777 TOWNSHIP LINE RD. STE. 120  
YARDLEY PA 19067

PHONE NUMBER

(267) 907-9600

FAX NUMBER

(267) 907-9659

SUPREME COURT IDENTIFICATION NO.  
27891

E-MAIL ADDRESS

eshensky@stark-stark.com

SIGNATURE OF FILING ATTORNEY OR PARTY  
EDWARD SHENSKY

DATE SUBMITTED

Thursday, August 03, 2023, 01:59 pm

FINAL COPY (Approved by the Prothonotary Clerk)

**COMPLETE LIST OF DEFENDANTS:**

1. HOMEGOODS, INC.  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701
2. MARMAXX OPERATING CORP  
ALIAS: D/B/A MARSHALLS HOMEGOODS  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701
3. MARMAXX OPERATING CORP  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701
4. HOME GOODS MANAGEMENT, LLC  
860 HICKORY HILL LANE  
YORK PA 17402
5. TJX COMPANIES, INC.  
770 COCHITUATE ROAD  
FRAMINGHAM MA 01701

**STARK & STARK**  
A Professional Corporation  
BY: **EDWARD SHENSKY, ESQUIRE**  
I.D. NO. 27891  
777 Township Line Rd., Suite 120  
Yardley, PA 19067  
(267) 907-9600  
eshensky@stark-stark.com

MARSHA SCHAD

Plaintiff

vs.

HOMEGOODS, INC

and

MARMAXX OPERATING CORP D/B/A  
MARSHALLS HOMEGOODS

and

MARMAXX OPERATING CORP

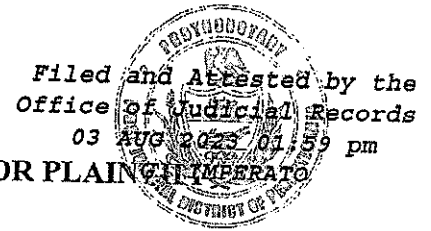
and

HOME GOODS MANAGEMENT, LLC

and

TJX COMPANIES, INC

Defendants



ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

No.

**AUGUST TERM- 2023**  
**No. 00367**

### NOTICE TO DEFEND

#### NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.*

Philadelphia Bar Association  
Lawyer Referral  
and Information Service  
One Reading Center  
Philadelphia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

Asociacion De Licenciados  
De Filadelfia  
Servicio De Referencia E  
Informacion Legal  
One Reading Center  
Filadelfia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197

STARK & STARK  
A Professional Corporation  
BY: EDWARD SHENSKY, ESQUIRE  
I.D. NO. 27891  
777 Township Line Rd., Suite 120  
Yardley, PA 19067  
(267) 907-9600  
eshensky@stark-stark.com

MARSHA SCHAD  
9122 Old Newtown Road, Apt. 49  
Philadelphia, PA 19115

Plaintiff

vs.

HOMEGOODS, INC  
770 Cochituate Road  
Framingham, MA 01701

and

MARMAXX OPERATING CORP D/B/A  
MARSHALLS HOMEGOODS  
770 Cochituate Road  
Framingham, MA 01701

and

MARMAXX OPERATING CORP  
770 Cochituate Road  
Framingham, MA 01701

and

HOME GOODS MANAGEMENT, LLC  
860 Hickory Hill Lane  
York, PA 17402

and

TJX COMPANIES, INC  
770 Cochituate Road  
Framingham, MA 01701

Defendants

Filed and Attested by the  
Office of Judicial Records  
03 AUG 2023 01:59 pm  
ATTORNEY FOR PLAINTIFF  
JUDICIAL DISTRICT OF PHILADELPHIA

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY,  
PENNSYLVANIA  
CIVIL DIVISION

No.

AUGUST TERM- 2023

NO - 00367



**PLAINTIFFS' COMPLAINT**

1. Plaintiff, MARSHA SCHAD is an individual residing at 9122 Old Newtown Road, Apt. 49, Philadelphia, PA 19115.

2. Defendant, HOMEGOODS, INC (hereinafter referred to as "HomeGoods"), is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the address listed in the caption of this Complaint.

3. Defendant, MARMAXX OPERATING CORP D/B/A MARSHALLS HOMEGOODS, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the address listed in the caption of this Complaint. MARMAXX OPERATING CORP D/B/A MARSHALLS HOMEGOODS, regularly conducts substantial business activities and derives substantial income through its business activities within Philadelphia County. MARMAXX OPERATING CORP D/B/A MARSHALLS HOMEGOODS, either owns the premises where Plaintiff fell or was the franchisor.

4. Defendant, MARMAXX OPERATING CORP, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the address listed in the caption of this Complaint. MARMAXX OPERATING CORP regularly conducts substantial business activities and derives substantial income through its business activities within Philadelphia County. MARMAXX

OPERATING CORP either owns the premises where Plaintiff fell or was the franchisor.

5. Defendant, HOME GOODS MANAGEMENT, LLC, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the address listed in the caption of this Complaint. HOME GOODS MANAGEMENT, LLC, regularly conducts substantial business activities and derives substantial income through its business activities within Philadelphia County. HOME GOODS MANAGEMENT, LLC, either owns the premises where Plaintiff fell or was the franchisor.

6. Defendant, TJX COMPANIES, INC, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing and/or qualifying under the laws of the Commonwealth of Pennsylvania, with a registered office for the acceptance of service or a principal place of business at the address listed in the caption of this Complaint. TJX COMPANIES, INC, regularly conducts substantial business activities and derives substantial income through its business activities within Philadelphia County. TJX COMPANIES, INC, either owns the premises where Plaintiff fell or was the franchisor.

7. At all times material hereto, Defendants did own and/or operate and/or manage and/or control the premises located at or near 1356 Franklin Mills Circle, Philadelphia, Pennsylvania 19154.

8. At all times material hereto, Defendants, were responsible for the maintenance of the furniture for retail sale located inside the premises located at or near 1356 Franklin Mills Circle, Philadelphia, Pennsylvania 19154.

9. At all times material hereto, Defendants acted or failed to act by and through their

agents, servants, workmen and/or employees who were then and there acting within the scope of their authority and course of their employment with Defendants, in furtherance of Defendants' businesses and on behalf of Defendants.

10. On or about August 30, 2021, and for some time prior thereto, Defendants carelessly and negligently allowed a wheeled desk chair located on an elevated platform to be displayed for the customers and accessible to the customers, without its wheels locked at the aforesaid location for an unreasonable period of time.

11. On or about August 30, 2021, Plaintiff, MARSHA SCHAD, was a business invitee at the aforesaid location.

12. Said Defendants were responsible for the proper safe display and maintenance of the aforesaid premises and to keep said premises and furniture, including but not limited to desk chairs, safe for business invitees.

13. On or about August 30, 2021, while a business invitee of Defendants, Plaintiff, MARSHA SCHAD, accessed a desk chair on display, took a seat on a desk chair, and at that time the chair rolled off the platform, causing Plaintiff to fall off and causing Plaintiff the injuries which form the basis for this action.

14. It is alleged and averred that said dangerous condition created a reasonably foreseeable risk of the kind of injuries which Plaintiff sustained.

15. It is alleged and averred that the defendants knew or should have known of the existence of said unreasonable dangerous condition.

16. The aforesaid incident was due solely to the negligence and carelessness of the Defendants, acting as aforesaid, and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiff.

**COUNT I**  
**PLAINTIFF, MARSHA SCHAD v. ALL DEFENDANTS**  
**NEGLIGENCE**

17. Plaintiff, MARSHA SCHAD, incorporates by reference hereto, all of the allegations contained in paragraphs 1 through 16 as fully as though they were set forth at length herein.

18. The negligence and carelessness of the Defendants, acting as aforesaid, consisted of the following:

- a) allowing and/or causing a dangerous and defective condition to exist at the aforesaid location, of which Defendants knew or should have known by the exercise of reasonable care;
- b) failing to give warning or notice of the defective condition;
- c) failing to inspect the furniture at reasonable intervals to determine the condition thereof;
- d) placing and allowing a wheeled chair to remain with wheels unlocked on a platform where patrons can sit and fall; and
- e) failing to place caution signs or other warning devices to warn plaintiff of potential falling hazards.

19. As a result of this incident, Plaintiff, MARSHA SCHAD, suffered injuries which are serious and permanent in nature, including: to her head, neck, body limbs, bones, nerves, cells, tissues, muscles, and functions including but not limited to comminuted fracture to the left distal radius and ulnar styloid process, disc herniations at C2-C3, C3-C4, C4-C5, C5-C6, C6-C7, resulting in radiculopathy bilaterally, disc herniation at L5-S1 resulting in radiculopathy, aggravation of disc herniations at L1-L2, L2-L3, L3-L4, L4-L5, and strain and sprain of the cervical, thoracic, and lumbar spine, aggravation of fibromyalgia, together with a severe shock to her nerves and nervous system, some or all of which plaintiff has been advised are serious and permanent in nature.

20. As a result of the incident, plaintiff has undergone great physical pain and mental anguish and she may continue to endure the same for an indefinite time in the future, to her great detriment and loss.

21. As a result of the incident, the plaintiff has been compelled to expend large sums of money for medicine and medical care and attention in an effort to effect a cure of her injuries, and she may be compelled to continue to expend such sums for the same purposes for an indefinite time in the future, to her great detriment and loss.

22. As a result of the incident, the plaintiff has been unable to attend to her usual and daily duties and occupation, and she may be unable to attend to the same for an indefinite time in the future, to her great detriment and loss.

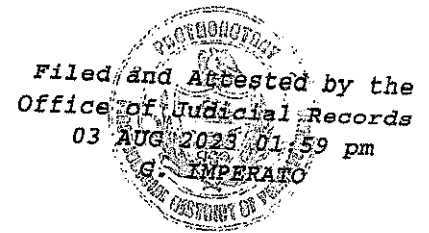
23. As a further result of the incident, plaintiff has suffered a loss and depreciation of her earnings and earning capacity and power and she may continue to suffer same for an indefinite time in the future to her great detriment and loss.

**WHEREFORE**, Plaintiff, MARSHA SCHAD, claims damages, from the defendants, jointly and/or severally, in an amount in excess of the arbitrational limits of \$50,000.00 plus interest and costs.

**STARK & STARK**  
A Professional Corporation



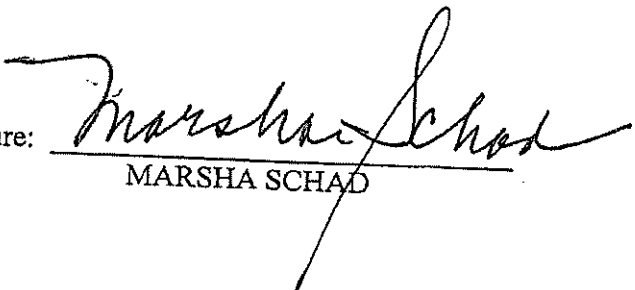
By: EDWARD S. SHENSKY  
Attorneys for Plaintiffs



VERIFICATION

The undersigned hereby verifies that she is the named Plaintiff in the foregoing action, that the facts set forth in Plaintiff's Complaint are true and correct to the best of her knowledge, information, and belief, and further states that false statements herein are made subject to the penalties of 18 Pa.CS.A. § 4904 relating to unsworn falsification to authorities.

Date: 8/2/23

Signature:   
MARSHA SCHAD



**Exhibit "B"**

MARSHA SCHAD

Plaintiff,

vs.

HOMEGOODS, INC.,  
MARMAXX OPERATING CORP. d/b/a  
MARSHALLS HOMEGOODS,  
MARMAXX OPERATING CORP.,  
HOMEGOODS MANAGEMENT, LLC, and  
TJX COMPANIES, INC.,

Defendants.

Filed and Attested by the  
Office of Judicial Records

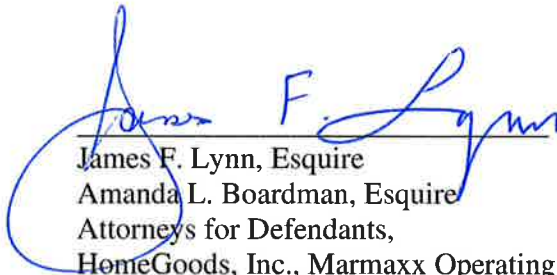
10 OCT 2023 11:53 am  
PHILADELPHIA  
E. HAURIN  
COURT OF COMMON PLEAS


August Term, 2023  
No. 00367

**STIPULATION TO DISMISS DEFENDANT HOME GOODS MANAGEMENT, LLC**

It is hereby STIPULATED and AGREED, by and between all parties, by and through their undersigned counsel, that all claims against Defendant Home Good Management, LLC, only, are hereby DISMISSED, without prejudice.

It is further STIPULATED and AGREED that this Stipulation may be executed in counterparts.

  
James F. Lynn, Esquire  
Amanda L. Boardman, Esquire  
Attorneys for Defendants,  
HomeGoods, Inc., Marmaxx Operating Corp.  
d/b/a Marshalls HomeGoods, Marmaxx  
Operating Corp., TJX Companies

  
Edward Shensky, Esquire  
Attorney for Plaintiff,  
Masha Schad

eSigned by:  
*Isaac Spearman*  
10/09/2023 @ 13:56 UTC

Isaac Spearman  
Representative for Defendant,  
Home Goods Management, LLC

**BY THE COURT:**

\_\_\_\_\_  
J.

# Signature Certificate

Document completed by all parties on 10/09/2023 @ 09:56 EDT

Document ID: 652064e5610dd600208e8318

## Sender information

Sent On: 10/06/2023 @ 15:49 EDT

Timezone: Eastern Daylight Time

Sender: Amanda Boardman aboardman@kiernantrebach.com

Sender IP: 76.99.80.122

## Signer



Isaac Spearman  
idspearman8@gmail.com

Received: 10/06/2023 @ 19:49 UTC

Viewed: 10/09/2023 @ 13:56 UTC

Signed: 10/09/2023 @ 13:56 UTC

## Signature

*Isaac Spearman*

IP: 107.77.202.31

Location: null, United States

Page 3 of 3

**eSign**



Case ID: 230800367